

RESOLUTION NO. 08-7545

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, DECLARING A TEMPORARY
RESTRICTION AND CONTROL OF ANIMALS AT THE
SANTA CLARA ART AND WINE FESTIVAL ON
SEPTEMBER 13 & 14, 2008**

BE IT RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, pursuant to Section 9.05.050 of "The Code of the City of Santa Clara, California" ("City Code"), the City Council may from time to time adopt and approve regulations concerning recreational lands or facilities over which the Parks and Recreation Department of the City of Santa Clara operates and maintains; and,

WHEREAS, the City of Santa Clara ("City") finds and determines that the necessity for the provisions, prohibitions, and restrictions contained and enacted by this Resolution are declared, as a matter of the City Council's determination, to be for the purpose of securing and promoting the public health, safety, and welfare of all citizens of the City; and,

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Santa Clara Art and Wine Festival to take place on September 13 & 14, 2008, is necessary because of the anticipated crowds and the serious threat animals pose to the health, safety, and welfare of the individuals attending the Santa Clara Art and Wine Festival ("Art and Wine Festival"); and,

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Art and Wine Festival is necessary to preserve the health and safety concerns of the citizens by restricting the access and presence of animals in the area of the Art and Wine Festival in which the art and handicraft exhibits and booths are located and in an area where food and beverages are being served to the public.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That there shall be a temporary restriction and control of all animals at the Art and Wine Festival in the art and handicraft exhibit and booth area and within the food booth area of Central Park, Santa Clara, California ("Central Park"). The restricted areas shall be posted with a copy of this Resolution; and
2. That this temporary restriction and control of all animals within the Art and Wine Festival area of Central Park shall remain in full force and effect on September 13, 2008 from 10:00 a.m. until 6:00 p.m. and on September 14, 2008, from 10:00 a.m. until 5:00 p.m.; and
3. That this temporary prohibition shall not apply to "guide dogs", "signal dogs", or "service dogs" as each is defined in Section 54.1 of the California Civil Code, or to the 4-H petting zoo animals; and
4. That this temporary restriction and control of all animals within the Art and Wine Festival area of Central Park shall not include the remainder of Central Park where the animal owners will have access to the unused open space consisting of the ballfield and the Community Center areas.
5. Penalties. Any person violating the provisions of this Resolution shall be guilty of an infraction and, upon conviction thereof, shall be punishable by the fine as follows:
 - A. A fine not exceeding one hundred dollars (\$100.00) for the first violation; and
 - B. A fine not exceeding two hundred dollars (\$200.00) for the second violation; and
 - C. A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second.

6. Effective Date. This Resolution shall take effect and be in force in its adoption and each prohibitory and restrictive regulation therein shall be effective and operative for the dates and times specified in paragraph 2.

7. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 19th DAY OF AUGUST, 2008, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA